

REMARKS

Applicants previously presented claims 1 through 36 for examination. In the Office Action, claims 1-36 were rejected and the drawings filed on April 4, 2000 were accepted. Applicants appreciate the Examiner's detailed comments in the Office Action to the above-identified application. For the reasons to be stated below, however, Applicants respectfully traverse the Examiner's rejections.

By this amendment, Applicants have amended claims 1, 9, 12-14, 20, 25 and 29 to further clarify the subject matter regarded as the invention; and cancelled claim 22. As a result, claims 1-21 and 23-36 remain pending in the application. Reconsideration of the application is respectfully requested based on the following remarks.

RETURN OF PTO FORM 1449s

Applicants have submitted several Information Disclosure Statements but have not yet received the initialed PTO Form 1449s indicating that the Examiner has considered the identified references. It is respectfully requested that the Examiner return all such PTO Form 1449s to the Applicants with the next Office communication.

PATENTABILITY OF THE CLAIMED INVENTION

The Office Action has rejected claims 1-36 under 35 USC § 103(a) as being unpatentable over Ralston et al. (U.S. P.N. 6,389,454, hereinafter referred to as "Ralston"), in view of Dean et al. (U.S. P. N. 6,167,379, hereinafter referred to as "Dean"). Applicants respectfully disagree.

Dean concerns scheduling based on a portable organizer. There is a computer 32 and the portable organizer 10. A user will maintain a calendar on both. "Typically, the office assistant will receive a request to schedule an appointment with the user. The assistant will consult the version of the user's calendar supported by the computer 32 to

determine a possible meeting time.... Upon determining a feasible meeting time, the assistant transmits a proposed scheduling update to the organizer 10." (Col. 4, lines 8-13)

"Upon receiving the proposed scheduling update information, ... [t]he user [of the portable organizer] is able to compare the proposed update with the schedule for the date of the proposed meeting to determine if any conflict exists. If a conflict exists, the user might choose to reject the proposed update, or the user might choose to enter the update and reschedule the previously scheduled meeting." (Col. 4, lines 24-35)

Ralston is on a system for a patient to schedule appointments that utilize a plurality of services at a multitude of facilities. (See, e.g., Abstract)

Claims 1 to 8

Regarding claim 1, Dean states: "[t]he assistant will consult the version of the user's calendar supported by the computer 32 to determine a possible meeting time." (Col. 4, lines 9-11) This meeting time is transmitted to the user's portable organizer 10. It would then be up to the user to decide whether to accept, reject or reschedule. Hence, the possible meeting time is determined by an assistant. However, in Applicants' claim 1, the method automatically determines available appointment times. This determination is by the method, not by an assistant sitting in front of a computer looking at a calendar.

Also, Dean describes a dedicated system, as shown in its FIG. 1 or FIG. 2. There is a central office 30 with a computer 32 and a portable organizer 10. An assistant enters information to the computer 32. Through the dedicated system, the information is transmitted to the organizer 10. Applicants' system according to its claim 1 is much more versatile. It allows a user (or a service recipient) to schedule an appointment with a service provider through any computer as long as the computer can access the Internet with a browser.

Ralston is likewise a dedicated system, as shown in its FIG. 1. "[T]he scheduling system 10 of the present invention allows a client 20 to contact, via computer implementation, any one of an organization's 30, 40, 50 multiple facilities 35, 45, 55 to schedule an appointment. A facility is a physical site, such as a clinic, diagnostic center, or

treatment center.” (Col. 4, lines 8-12) Through such a dedicated system, a client 20, which “may either be the client himself 21 or the client’s representative 22”, can schedule appointments at the multiple facilities. The scheduling system 10 again is not as versatile as the one covered under Applicants’ claim 1. Applicants’ invention in its claim 1 harnesses the ubiquity of the World Wide Web. As long as the user has access to the Internet with a browser, the user would be able to schedule the appointment.

Moreover, Ralston and/or Dean do not have “a central appointments server having access to a central appointment database that stores calendars for various service providers.” For example, Ralston’s system again is much more constrained and complicated. Its “central scheduling server 80 communicates the requests to the remote schedule servers 38, 48, 58, which actually generate the candidates and pass them back to the central server 80. Each remote schedule server 38, 48, 58 generates appointment candidates using data from the particular facilities 35, 45, 55 to which each remote server 38, 48, 58 has access.” As to Dean, it does not even remotely teach such a system.

Accordingly, it is submitted that claim 1 is patentably distinct from Dean and/or Ralston. In addition, it is submitted that claims 2-8, which depend on claim 1, are also patentably distinct for at least the same reasons.

Claims 9 - 11

Both Ralston and Dean do not (i) transmit a list of available service providers to the user, (ii) receive a request for appointment availability of a selected one of the available service providers, and (iii) determine available time slots for the selected one of the available service providers, as in Applicants’ claim 9.

In Ralston, referring to FIG. 3, after appointment constraints have been determined 315, Ralston generates appointment candidates 320, and transmits appointment candidates to client 325. Then client selects 330. This is totally different from the processes stated under (b) to (d) in claim 9.

As explained in Dean’s detailed description, referring to its FIG. 5, Dean covers “reconciling two separately maintained calendars ... including a proposed scheduling

update in step 50.... In step 52, it is determined whether the proposed scheduling update conflicts with an earlier entered meeting. If no conflict exists, in step 54 an acceptance message is transmitted from the organizer 10 to the computer, instructing the computer 32 to enter the proposed scheduling update into the computer calendar. The organizer 10 also enters the proposed scheduling update into the organizer calendar locally." (Col. 6, lines 49-65) There is no teaching of the processes stated under (b) to (d) in claim 9, let alone the determination of "available time" as previously discussed under claim 1.

In addition, both Ralston and Dean do not teach or suggest the operation of "requesting the user to enter information for the appointment after the user and the selected one of the available service providers has established the appointment at the selected time slot", as also recited in claim 9.

As explained in Dean's detailed description, Dean covers reconciling two separately maintained calendars. There is no teaching or suggestions on asking the user to enter appointment information after the appointment has been established.

As to Ralston, referring to its FIG. 3, client information is entered before the appointment is set in its step 305. "Once the scheduling system 10 receives the packet of client information from the client 20, it compares the service data to an existing set of service constraints in order to determine any constraints on the scheduling of an appointment for the client." (Col. 4, line 65 to col. 5, line 2). Again, there is no teaching or suggestions on asking the user to enter appointment information after an appointment has been established.

Accordingly, it is submitted that claim 9 is patentably distinct from Dean and/or Ralston. In addition, it is submitted that claims 10 and 11, which depend on claim 9, are also patentably distinct for at least the same reasons.

Claims 12

Regarding claim 12, as previously explained in discussions regarding Applicants' claim 1, Dean does not teach or suggest the process of determining available appointment

slots; and Ralston do not teach or suggest a central appointments server having access to a central appointment database that stores a calendar for at least the service provider.

Moreover, both Dean and Ralston do not teach or suggest the on-line appointment initially having a pending status; and it would be up to the service provider to confirm the on-line appointment and then altering the on-line appointment from the pending status to a confirmed status as controlled by the service provider.

The Office Action indicated that Ralston's col. 6, lines 3-27 teaches the on-line appointment initially having a pending status. That section of Ralston actually teaches, "Upon receipt of the client's notification as to which appointment candidate the client wishes to select, the scheduling server 80 communicates the notification to the selected facility 35, 45, 55, via the facility's remote schedule server 38, 48, 58.... The scheduling system 10 then reports all of the appointment information to the facility 35, 45, 55 at which the service will be performed, and ... confirms the appointment with the facility 35, 45, 55 at which the appointment is scheduled to occur." There is no teaching or suggestion in that section of Ralston for an on-line appointment to initially having a pending status, which is up to the service provider to change.

Accordingly, it is submitted that claim 12 is patentably distinct from Dean and/or Ralston.

Claim 13

Claim 13 pertains to a computer readable medium including computer program code performing operations similar to the operations performed by the method of claim 9. Hence, for similar reasons to those noted above with respect to claim 9, it is submitted that claim 13 is patentably distinct from Dean and/or Ralston.

Claims 14 – 19

Regarding claim 14, as previously explained above regarding claim 1, both Dean and Ralston do not teach or suggest (a) the registered individuals only shown the time periods the certain of the registered service providers are available when the registered

individuals are scheduling the appointments; and (b) the individuals can schedule the appointments through any computer as long as the computer can access the Internet with a browser.

Accordingly, it is submitted that claim 14 is patentably distinct from Dean and/or Ralston. In addition, it is submitted that claims 15-19, which depend on claim 14, are also patentably distinct for at least the same reasons.

Claims 20, 21, 23 and 24

Regarding Claim 20, among other features, Dean and Ralston do not teach or suggest a system that supports making appointments over the Internet, or a system that permits confirmation, by the one or more service providers, of the appointments that have been requested with the one or more service providers. The Office Action pointed Applicants to “column 5, lines 17-67, through column 6, lines 1-24 [of Ralston], the users can request appointments and confirm them with the service providers.” (Emphasis added by Applicants). Thus, as stated in the Office Action, it is the users who are confirming with the service providers, not the other way around, as claimed in Applicants’ claim 20.

Moreover, both Ralston and Dean do not teach or suggest a system that (a) supports making appointments over the Internet and (b) includes a synchronization application that (i) provides for automated review of the appointments that have been requested to determine whether the requested appointments conflict with entries in a local software calendar of at least one service provider, and that (ii) automatically synchronizes a calendar of the at least one service provider in the appointment database with the local software calendar.

In rejecting claim 22, the Office Action cited Ralston’s column 5, lines 17-67, through column 6, lines 1-24 as support for teaching the following: “automated scheduling system checks to determine if there are any appointment conflicts.” However, that section does not teach or suggest a system automatically synchronizing the calendar of a service provider in an appointment database with a local software calendar.

Accordingly, it is submitted that claim 20 is patentably distinct from Dean and/or Ralston. In addition, it is submitted that claims 21, 23 and 24, which depend on claim 20, are also patentably distinct for at least the same reasons.

Claims 25 - 28

Regarding claim 25, based on discussions regarding Applicants' claim 1, Dean does not teach or suggest selecting an appointment date and time for the appointment in accordance with the appointment availability information for the second registered user and non-conflicting with any other previously scheduled appointments or events in the on-line calendar of the second registered user. Also, Dean and/or Ralston do not teach or suggest the registered users can schedule appointments through any computer as long as the computer can access the Internet with a browser.

Further, among other features, both Dean and Ralston do not teach or suggest a method using a computer network that allows making appointments over the Internet, with the method maintaining on-line calendars for the registered users, the on-line calendars including scheduled appointments or events for the respective registered user.

In the Office Action, it was admitted that "Ralston et al. does not explicitly disclose (b) maintaining on-line calendars for the registered users." Then the Office Action used Dean to support its rejection. However, Dean does not teach or suggest a computer network that allows making appointments over the Internet.

Accordingly, it is submitted that claim 25 is patentably distinct from Dean and/or Ralston. In addition, it is submitted that claims 26-28, which depend on claim 25, are also patentably distinct for at least the same reasons.

Claims 29 - 36

Regarding Claim 29, Applicants agree with the Examiner's position that "Ralston et al. does not explicitly disclose registering service providers for on-line appointments over the global computer network, said registering providing appointment availability information for the registered service providers." Also, among other features, both Dean and Ralston,

as previously discussed, singly or in any combination, do not teach or suggest a method that allows making appointments over the Internet, or a method that enables users to schedule appointments through any computer as long as the computer can access the Internet with a browser.

Accordingly, it is submitted that claim 29 is patentably distinct from Dean and/or Ralston. In addition, it is submitted that claims 29-36, which depend on claim 29, are also patentably distinct for at least the same reasons.

Conclusion

Based on the foregoing, it is submitted that claims 1, 9, 12, 13, 14, 20, 25 and 29 are patentably distinct from Ralston and/or Dean. In addition, it is submitted that dependent claims 2-8, 10, 11, 15-19, 21, 23, 24, 26-28 and 30-36 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from 1-21 and 23-36. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1-21 and 23-36 under 35 USC § 103(a). Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further

fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. ACC1P001).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Douglass Thomas". The signature is fluid and cursive, with a large, stylized "C" at the beginning and a long, sweeping underline.

C. Douglass Thomas
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